

ENTERED

July 21, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LUIS MORENO and MARIA
CARMEN MORENO,

Plaintiffs,

V.

**HIDALGO COUNTY, CITY OF
EDCOUCH, and JUSTIN GALVAN,¹**

Defendants.

Civil Action No. 7:24-CV-00344

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the June 6, 2025, Memorandum and Recommendation (“M&R”) issued by Magistrate Judge J. Scott Hacker. (Dkt. No. 28). Judge Hacker made findings and conclusions and recommended granting the Motion to Dismiss filed by Defendant City of Edcouch (“Defendant”), (Dkt. No. 13), and dismissing all claims against it, (Dkt. No. 28 at 2, 28). He also recommended granting Plaintiffs leave to amend those claims. (*Id.*).

The Parties received proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No objections were filed. The Court therefore

¹ The Court directs the Clerk to REMOVE the City of Edcouch Police Department and the Hidalgo County Sheriff's Department as defendants in this case.

Plaintiffs originally named both departments in their state-court petition. (Dkt. No. 1 at 1-2); (Dkt. No. 27 at 2-3). After removal, Plaintiffs amended their pleadings and omitted both as defendants. (Dkt. No. 11 at 1); (Dkt. No. 27 at 3). Accordingly, the Clerk is **DIRECTED** to terminate them as parties to this case.

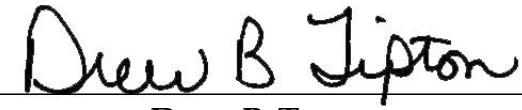
reviews the M&R for plain error only. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts and adopts the M&R in full. It is therefore ordered that:

- (1) Judge Hacker's M&R, (Dkt. No. 28), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant City of Edcouch's Motion to Dismiss, (Dkt. No. 13), is **GRANTED**. Plaintiffs' claims against the City of Edcouch are **DISMISSED without prejudice**.
- (3) Plaintiffs are **GRANTED** leave to amend their pleadings **no later than August 15, 2025** as to all claims against the City of Edcouch under Federal Rule of Civil Procedure 15(a).

It is SO ORDERED.

Signed on July 21, 2025.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE